IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA 1928

WA.No. 12 of 2007(B)

AGAINST THE JUDGEMENT/ORDER IN WPC.31845/2004 Dated 13/11/2006

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APPELLANT: PETITIONER:

DR.C.K.KRISHNAN NAIR,
READER, DEPARTMENT OF AGADATHANTHRA,
GOVERNMENT AYURVEDA COLLEGE, TRIPUNITHURA.

BY ADV. DR.K.P.SATHEESAN

RESPONDENTS: RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HEALTH & FAMILY WELFARE (D) DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF AYURVEDA MEDICAL
EDUCATION, AROGYA BHAVAN, THIRUVANANTHAPURAM.

3. DR. LINZY THOMAS KURIAPPALLY,
PROFESSOR, GOVT.AYURVEDA COLLEGE, KANNUR.

4. DR. SYAMALADEVI V.S.,
PROFESSOR, GOVT.AYURVEDA COLLEGE, TRIPUNITHURA.

5. DR. AJAYAGHOSH N.S.,
PROFESSOR, GOVT. AYURVEDA COLLEGE, KANNUR.

6. DR. M.A. SHAJAHAN, -DO- -DO-.

7. DR. JOLLYKUTTY EAPEN,
PROFESSOR, GOVT. AYURVEDA COLLEGE, THRIPUNITHURA.

8. DR. A.G.PRASANNAKUMARY, -DO- -DO-.

9. DR.R. SREEKUMAR,
PROFESSOR, GOVT. AYURVEDA COLLEGE, KANNUR.
(RESPONDENTS 4 TO 9 IMPLEADED AS PER ORDER DATED 20-10-2006 IN I.A.NO.315/2006).

(RESPONDENTS 3 TO 9 IMPLEADED AS PER ORDER DATED 20.10.2006 IN I.A. NO. 315/2006)

BY ADV. SRI. SANDESH RAJA, GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

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W.A. NO. 12 OF 2007

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Dated this the 3rd day of January 2007

JUDGMENT

Abdul Gafoor,J

The contention of the appellant/writ petitioner before the learned single Judge was that as he had already been promoted as Reader as per Ext.P4 in the year 2001 and therefore there was no necessity to promote him to the very same post considering him as Lecturer by Ext. P8 in the year 2004.

2. The contention is attractive. But when gone in depth it seems hollow. The posting as Reader as per Ext.P4 in 2001 was based on A.I.C.T.E scheme on career development scheme. It will make an incumbent only to draw higher scale. He will not get a lien in the higher post unless he is appointed in a post borne on the cadre. That is what is being done by Ext.P8 when a vacancy arose in the cadre. Therefore, there cannot have real grievance. Learned Single Judge rightly rejected his contentions.

3. Whether there had been another vacancy in the cadre of Reader between the date of Ext.P4 and P8 to which the appellant/writ petitioner is entitled is altogether a different question which he can

further point out based on his relative seniority. The Director, second respondent, shall consider that aspect, if representation is filed within two weeks from today. It shall be disposed of within another two months.

The Writ Appeal is disposed of accordingly.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

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